

FY 2022 CONGRESSIONAL HEARING FACT SHEET CHLORPYRIFOS

BACKGROUND:

- In March 2017, EPA denied a 2007 Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) petition seeking the revocation of all chlorpyrifos tolerances and the cancellation of all chlorpyrifos uses. In the denial, EPA concluded that the science addressing neurodevelopmental effects required further evaluation.
- After a rare *en banc* rehearing in this case, following an April 19, 2019 order of the Ninth Circuit, EPA again denied all objections to the Agency's denial of the 2007 petition in a July 24, 2019 Order.
- On August 7, 2019, the petitioners from the 2007 petition, in addition to several states, petitioned the Ninth Circuit Court of Appeals to review the July 2019 Order. Oral arguments were given in that case on July 28, 2020.
- In the Fall 2020, EPA sought peer review by the FIFRA Scientific Advisory Panel (SAP) of a New Approach Methodology (NAMs) that may provide additional insight into EPA's evaluation of the neurodevelopmental toxicity potential of chlorpyrifos. The SAP report on the NAMs was issued in December 2020 and is currently under review.
- In September 2020, EPA issued the draft ecological risk assessment and revised human health and drinking water assessments as part of the EPA's registration review program. In December 2020, EPA issued the Proposed Interim Decision (PID) for public comment. The combined comment period for the draft risk assessment and PID ended on March 7, 2021. EPA has received thousands of comments, many from mass mailer campaigns.
- EPA released its final Biological Evaluation for chlorpyrifos that evaluated the potential impacts of chlorpyrifos on endangered species and initiated formal consultation with the Fish and Wildlife Service and National Marine Fisheries Service in January 2017. The Agency remains in consultation with the Services.
- EPA has received inquiries from Congressional members in the past, Senator Booker asked about chlorpyrifos during the Administrator's confirmation hearing.

KEY POINTS:

- At the state level, California, New York, Hawaii, Oregon, Maryland, Connecticut, and New Jersey have sought or imposed regulations to limit or prohibit use of chlorpyrifos within their respective states.
- The European Union (EU) voted in December 2019 against the renewal of chlorpyrifos, allowing its registration and all food tolerances to expire on January 31, 2020.
- One of the four chlorpyrifos manufacturers, Corteva, has stopped making chlorpyrifos.

TALKING POINTS:

- EPA's registration review decision for chlorpyrifos will be a transparent process driven by science and the rule of law.
- EPA is currently reviewing and preparing responses to substantive public comments on the draft risk assessments and Proposed Interim Decision (PID).
- EPA will consider the recommendations from the December 2020 SAP report to determine if further revisions to the risk assessments and the PID are warranted.
- EPA anticipates responding to comments with the issuance of the Interim Decision (ID), which is currently scheduled for later this year.